

# Morgan Lewis

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**VIA CM/ECF**

Honorable Cathy Seibel, U.S.D.J.  
U.S. District Court for the Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

**Re: NAACP, Spring Valley Brach v. ERCSD, No. 17-cv-8943.**

Dear Judge Seibel:

Pursuant to the Court's suggestion yesterday afternoon, we were able to arrange for four members of the District's Board of Education, including the current president, current vice president and past president of the Board, along with the District's General Counsel, to be at the courthouse in White Plains on Monday, February 10, 2020, at 2:30 PM. All members of the Board were contacted and asked to attend, and each of the remaining members is not able to do so because of either work, school, or other scheduling issues.

Last night we sent to Plaintiffs a revised proposal for their consideration, which we will be prepared to discuss on Monday.

For planning purposes, since the parties will be meeting with the Court at 2:30 PM on Monday, we understand that the start time for the trial in this matter will be deferred until Tuesday, February 11, at 9:30 AM. This should also help to mitigate concerns about the Court overseeing settlement discussions during trial.

We would also like to understand in advance what the rules of engagement are with respect to this conference, and how the Court plans to proceed. We respectfully suggest that procedures similar to those used in traditional mediation would make the most sense.

Respectfully submitted,

/s/ David J. Butler

David J. Butler

cc: All counsel of record (via ECF)

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